

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 398 of 2018**

Aman Mishra S/o Shiv Charan Mishra Aged About 19 Years R/o  
Mayapur Near Chandni Chowk, Ambikapur Distt. Surguja  
Chhattisgarh ---- **Petitioner**

**Versus**

State of Chhattisgarh through S.H.O. Police Station Ambikapur  
(Dehat) (Gandhi Nagar) Distt. Surguja Chhattisgarh ----  
**Respondent**

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| For Petitioner       | : | Mr. Shakti Raj Sinha, Advocate. |
| For Respondent/State | : | Mrs. Astha Shukla, PL.          |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**27.02.2018**

1. The instant petition has been filed with a prayer that the investigation may go on without adding illegal non-bailable offences against the petitioner.
2. A perusal of FIR would show that on 19.01.2018 an FIR was lodged by one Nagendra Singh that on 19.01.2018, deceased Sineshwar Prasad Singh had gone to market on his motor cycle bearing No. MP 17 MB 6783 and while he was coming back, a four wheeler which was being driven in rash and negligent manner dashed him and the deceased Sineshwar Prasad was dragged to certain extent of distance upto the area of Mandir Tiraha and as a result of which he sustained grievous injuries and succumbed to it.
3. Learned counsel for the petitioner would submit that initially the FIR was registered u/s 304-A of IPC and subsequently, the further investigation is being carried out so as to rope the

petitioner in offence punishable u/s 304 of IPC, therefore, the State authorities be restrained from adding the other offences which are non-bailable in nature.

4. It appears that after the registration of the FIR, the investigation is being carried out. At this stage, it would not be proper for this Court to interfere in the matter by issuing a direction to investigate and register the offence under a particular section as it would amount to usurping the power of police. It is prerogative of the State to investigate the matter and file charge-sheet in a particular section. If the petitioner still aggrieved he can always challenge the same before the appropriate forum. Therefore, at this stage, the petition is premature. It is expected that the investigation would be carried out in fair manner.
5. With this observation, this petition stands disposed of.

**Sd/-  
(Goutam Bhaduri)  
Judge**